

EXHIBIT A

From: Zhu, Michelle J. <MZhu@gibsondunn.com>
Sent: Tuesday, February 27, 2024 9:44 AM
To: Kristopher Davis; Sim, Charlie
Cc: Robb, Andrew; Jason Wietholter; Marc Fenster; headwater@raklaw.com; ***
GDCVerizon-Headwater; Singh, Tej; Zhang, Yi; Crowson, Celine J.
Subject: RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[EXTERNAL]

Counsel,

Thank you. We understand the local rules require a single form of relief per motion, so we will prepare our unopposed motion for leave to amend and provide that to you, along with the supplemental invalidity contentions reflecting our discussions, by the end of the week. Please likewise send us your proposed unopposed motion for leave to amend Headwater's infringement contentions when you have it ready.

To be clear, although we will not oppose Headwater's motion for leave to serve the amended contentions (per the parties' agreement), we reserve our objections to the substance of the contentions themselves, including the deficiencies about which the parties have corresponded, many of which continue to present a problem in the amended contentions.

Michelle J. Zhu
Associate Attorney

T: 202.777.9413
MZhu@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue N.W., Washington, D.C. 20036-5306

From: Kristopher Davis <kdavis@raklaw.com>
Sent: Friday, February 23, 2024 8:12 PM
To: Sim, Charlie <CSim@gibsondunn.com>
Cc: Robb, Andrew <ARobb@gibsondunn.com>; Jason Wietholter <jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Charlie,

Following up on the contentions issue discussed below, Headwater will agree to a joint motion addressing mutual supplementation of contentions.

Regards,
Kris

Kristopher Davis

Russ August & Kabat

12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kDavis@raklaw.com

On Feb 22, 2024, at 5:07 PM, Kristopher Davis <kDavis@raklaw.com> wrote:

Charlie,

In a further effort to compromise and address the timing concerns you raised, Headwater is willing to agree to the following mutual narrowing. Please let us know whether you agree.

1. No later than 21 days before the parties' exchange of proposed terms for claim construction (PR 4-1), Headwater would serve its First Election of Asserted Claims, identifying no more than 192 total asserted claims across all patents.
2. No later than 14 days after submission of the parties' Joint Claim Construction Statement, Headwater would serve its Second Election of Asserted Claims, identifying no more than 128 total asserted claims across all patents.
3. No later than 14 days after Headwater's First Election, Verizon/T-Mobile would serve its First Election of Prior Art, identifying no more than 64 total references across all patents.
4. No later than 28 days before the service of opening expert reports, Headwater would serve its Third Election of Asserted Claims, identifying no more than 64 total asserted claims across all patents.
5. No later than 28 days after Headwater's Second Election, Verizon/T-Mobile would serve its Second Election of Prior Art, identifying no more than 32 total references across all patents.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kDavis@raklaw.com

On Feb 22, 2024, at 1:14 PM, Sim, Charlie <Csim@gibsondunn.com> wrote:

Counsel,

We write to memorialize the issues discussed on today's lead-and-local conference.

Supplementation of Contentions. We reiterated that we intend to seek leave to supplement Verizon's invalidity contentions to align them with T-Mobile's, and further supplement both Verizon's and T-Mobile's contentions to align them with those served by AT&T. We further explained that our planned supplementation will also include some additional evidence and citations in support of our already-disclosed system art theories, related to the Android Operating System. See Exs. A-16 and D-17 to Verizon and T-Mobile's Invalidity Contentions.

We reiterated our previous proposal that the parties agree to mutual supplementation of infringement and invalidity contentions, given that Headwater has already served supplemental infringement contentions against Verizon without seeking leave of Court. Headwater indicated its belief that the Local Rules did not require it to seek leave of Court to supplement its infringement contentions since they were served in response to deficiencies identified by Defendants. As for Headwater's opposition to Defendant's proposed supplementation, when we requested that Headwater identify any prejudice from the supplementation, Headwater identified only the "time that has passed." Headwater agreed to get back to Defendants by tomorrow on whether Headwater will agree to mutual supplementation, or whether the parties are instead at an impasse.

Claim Narrowing. We reiterated our concerns from our February 2, 2024 letter and February 13, 2024 meet-and-confer, and specifically reiterated that Headwater's proposal for claim narrowing is insufficient, and Defendants require a substantial reduction in the number of asserted claims occurring well in advance of the start of the claim construction process. Headwater committed to following up with Defendants this afternoon to indicate whether they are able to commit to such narrowing, or whether the parties are at an impasse.

Finally, as to both of the above issues, the parties agreed that this conference satisfied the requirements of Local Rule CV-7(h) as to any future motion practice related to the above issues.

Best,
Charlie

Charlie Sim
[Associate Attorney](#)

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CSim@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Kristopher Davis <kDavis@raklaw.com>
Sent: Tuesday, February 20, 2024 2:38 PM
To: Sim, Charlie <CSim@gibsondunn.com>
Cc: Robb, Andrew <ARobb@gibsondunn.com>; Jason Wietholter <jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J.

<celine.crowson@hoganlovells.com>

Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Charlie,

Headwater is available at 11:00 am PT on Thursday.

Regards,

Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

On Feb 20, 2024, at 7:32 AM, Sim, Charlie <CSim@gibsondunn.com>
wrote:

Counsel,

We have not heard back from you on our proposal to meet and confer at 11am ET today. Please confirm whether Headwater can be available at 11am ET today within the next fifteen minutes, and we will circulate a dial-in.

Otherwise, please identify specific times on Thursday when Headwater is available for a lead and local meet and confer.

Thanks,

Charlie

Charlie Sim
Associate Attorney

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CSim@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Sim, Charlie <CSim@gibsondunn.com>
Sent: Monday, February 19, 2024 5:09 PM
To: Kristopher Davis <kdavis@raklaw.com>; Robb, Andrew

<ARobb@gibsondunn.com>

Cc: Jason Wietholter <jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>

Subject: RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Correction – that should read “tomorrow (February 20th).”

Thanks,
Charlie

Charlie Sim
Associate Attorney

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CSim@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Sim, Charlie
Sent: Monday, February 19, 2024 5:08 PM
To: 'Kristopher Davis' <kDavis@raklaw.com>; Robb, Andrew <ARobb@gibsondunn.com>
Cc: Jason Wietholter <jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>
Subject: RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Hi Kris,

Defendants are available for a lead and local M&C tomorrow (February 19th) at 11am ET. Please let me know if this time works for you, and we can circulate a dial-in.

Thanks,
Charlie

Charlie Sim
Associate Attorney

T: +1 212.351.6274 | M: +1 607.339.1652
CSim@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Kristopher Davis <ktdavis@raklaw.com>
Sent: Saturday, February 17, 2024 11:48 AM
To: Robb, Andrew <ARobb@gibsondunn.com>
Cc: Jason Wietholter <jwietholter@raklaw.com>; Sim, Charlie <CSim@gibsondunn.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Andrew,

Please let us know your availability on Tuesday/Thursday (Feb. 20/22) for the M&C.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
ktdavis@raklaw.com

On Feb 16, 2024, at 1:17 PM, Robb, Andrew <ARobb@gibsondunn.com> wrote:

Counsel –

You stated on the call that you would, in parallel, find times for a lead-local call to discuss this and the supplementation of invalidity and infringement contentions. We have not heard back from you on that. By COB today, can you please provide Headwater's availability for a lead-local call early next week?

Best regards,
Andrew

Andrew Robb
Associate Attorney

T: +1 650.849.5334 | M: +1 408.960.9187
ARobb@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
310 University Avenue, Palo Alto, CA 94301-1744

From: Kristopher Davis <kDavis@raklaw.com>
Sent: Friday, February 16, 2024 1:11 PM
To: Robb, Andrew <ARobb@gibsondunn.com>
Cc: Jason Wietholter <jwietholter@raklaw.com>; Sim, Charlie <CSim@gibsondunn.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Andrew,

Please find below Headwater's proposal on asserted claim and prior art narrowing:

1. No later than 14 days after submission of the parties' Joint Claim Construction Statement, Headwater would serve its First Election of Asserted Claims, identifying no more than 128 total asserted claims across all patents.
2. No later than 14 days after Headwater's First Election, Verizon/T-Mobile would serve its First Election of Prior Art, identifying no more than 64 total references across all patents.
3. No later than 28 days before the service of opening expert reports, Headwater would serve its Second Election of Asserted Claims, identifying no more than 64 total asserted claims across all patents.
4. No later than 28 days after Headwater's Second Election, Verizon/T-Mobile would serve its Second Election of Prior Art, identifying no more than 32 total references across all patents.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474

kdavis@raklaw.com

On Feb 13, 2024, at 3:42 PM, Robb,
Andrew <ARobb@gibsondunn.com>
wrote:

Counsel – to confirm, on the call, we stated our position, and you stated you would get back to us this week with a counter-proposal. Given the need to get resolution on this issue promptly, the length of time it has been outstanding with no substantive proposal from Headwater, and the unlikelihood that the parties will agree, you agreed to check schedules for a lead-local call in parallel. To that end, please let us know when your side is available for a lead-local call this week.

Best regards,
Andrew

Andrew Robb
[Associate Attorney](#)

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408.960.9187
ARobb@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
310 University Avenue, Palo Alto, CA
94301-1744

From: Robb, Andrew
Sent: Tuesday, February 13, 2024 10:33 AM
To: 'Jason Wietholter' <jwietholter@raklaw.com>; Sim, Charlie <CSim@gibsondunn.com>
Cc: Marc Fenster <mfenster@raklaw.com>; Kristopher Davis <kdavis@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>

Subject: RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Counsel –

We can attend at that time. We'll need to use the following dial-in information, instead of the zoom link. We'll update the calendar invitation shortly to reflect that.

Dial-in: 877-420-0272
Guest code: 6508495334

Andrew Robb
[Associate Attorney](#)

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ARobb@gibsondunn.com

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310 University Avenue, Palo Alto, CA
94301-1744

From: Jason Wietholter
[<jwietholter@raklaw.com>](mailto:jwietholter@raklaw.com)
Sent: Tuesday, February 13, 2024 9:58 AM
To: Sim, Charlie
[<CSim@gibsondunn.com>](mailto:CSim@gibsondunn.com)
Cc: Marc Fenster
[<mfenster@raklaw.com>](mailto:mfenster@raklaw.com); Kristopher Davis
[<kdavis@raklaw.com>](mailto:kdavis@raklaw.com); [<headwater@raklaw.com>](mailto:headwater@raklaw.com); *** GDCVerizon-Headwater
[<GDCVerizon-Headwater@gibsondunn.com>](mailto:GDCVerizon-Headwater@gibsondunn.com)
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Thanks for clarifying, Charlie.

A lead and local meet and confer is premature at this point, especially in light of the fact that the parties have already agreed to meet and confer today at 1:30PM PT to discuss claim narrowing. Please confirm that Verizon

will be attending the meet and confer today.

Regards,
Jason Wietholter
Russ, August & Kabat
12424 Wilshire Boulevard, 12th Floor |
Los Angeles, California 90025
Main +1 310 826 7474
| jwietholter@raklaw.com | www.raklaw.com

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On Feb 12, 2024, at
6:38 PM, Sim, Charlie
<CSim@gibsondunn.com> wrote:

Apologies for the miscommunication,
Jason.

We would like to proceed with a lead and local meet and confer. Please indicate the times when Headwater is available this week.

Thanks,
Charlie

Charlie Sim
[Associate Attorney](#)

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607.339.1652
CSim@gibsondunn.co
m

GIBSON DUNN
Gibson, Dunn &
Crutcher LLP
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York, NY 10166-0193

From: Jason Wietholter
<jwietholter@raklaw.co
m>
Sent: Monday,
February 12, 2024 6:08
PM
To: Sim, Charlie
<CSim@gibsondunn.co
m>
Cc: Marc Fenster
<mfenster@raklaw.com
>; Kristopher Davis
<kdavis@raklaw.com>;
<headwater@raklaw.co
m; *** GDCVerizon-
Headwater
<[GDCVerizon-
Headwater@gibsondun](mailto:GDCVerizon-Headwater@gibsondun)
n.com>
Subject: Re: Headwater
v. Verizon (23-cv-352)
(E.D. Tex.) -
Correspondence

[WARNING: External Email]

Charlie,

Your email from this afternoon is the first indication that you sought a meet and confer with lead and local counsel. We are unable to confirm availability on such short notice.

We will plan on meeting and conferring without lead and local counsel tomorrow at

1:30PM PT as
previously agreed.

Thanks,
Jason Wietholter
Russ, August & Kabat
12424 Wilshire
Boulevard, 12th Floor |
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| [jwietholter@raklaw.c
om](mailto:jwietholter@raklaw.com) | www.raklaw.com

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On Feb
12,
2024,
at
1:57 P
M, Sim,
Charlie
<[CSim
@gibso
ndunn.](mailto:CSim@gibsondunn.com)

[com](#)>

wrote:

Thank
you
Jason,

Lead
and
local
counsel
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Thanks,
Charlie

**Charlie
Sim**
[Associ
ate](#)
[Attorne](#)

y

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Avenue
, New
York,
NY
10166-
0193

From: Jason Wietholter <jwietholter@raklaw.com>

Sent: Friday, Februar y 9, 2024 5:08 PM

To: Sim, Charlie <CSim@gibsondunn.com>

Cc: Mar c Fenster <mfens>

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Subject

: Re:
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[WARNING: External Email]

Charlie,

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Please
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Regards

,

Jason
Wietho
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Russ,
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